

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RENE CASTILLO, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED;

SA-20-CV-01269-FB

Plaintiff,

VS.

ISEC INCORPORATED,

Defendant.

ORDER

Before the Court in the above-styled cause of action is the parties' Joint Motion for Certification of Collective Action and Notice to Class Members [#16]. By their motion, the parties jointly ask the Court to certify an agreed class of all hourly-paid Laborers and Carpenters employed by ISEC Incorporated ("Defendant"). The Fair Labor Standards Act allows one or more employees to bring an action for overtime compensation on "behalf of himself or themselves and other employees similarly situated." 29 U.S.C. § 216(b). The Supreme Court has held that courts may implement the collective action procedure by facilitating the issuance of notice to potential class members. *Hoffmann-LaRoche Inc. v. Sperling*, 493 U.S. 165 (1989).

For the purpose of issuing notice, the Parties have stipulated that there exists a class of similarly situated employees. The Court will therefore grant the parties' motion, certify the agreed class, and render various orders regarding the notice process agreed to by the parties.

IT IS THEREFORE ORDERED that the parties' Joint Motion for Certification of Collective Action and Notice to Class Members [#16] is **GRANTED**.

IT IS FURTHER ORDERED that the Court certifies the following class:

All hourly-paid Laborers and Carpenters employed by Defendant who received a bonus in connection with work performed in at least one week in which they worked over forty hours since October 26, 2018.

IT IS FURTHER ORDERED that the Court approves the Parties' agreed notice plan

and orders as follows:

- Defendants are to provide Plaintiff with a list (in an electronic format) of the names, last known physical addresses, email addresses, and cell phone numbers of all current or former employees in the class listed above within **seven days** of the date of this Order.
- Upon receipt of the list by Plaintiff, Plaintiff shall send to potential class members the Court-approved notice of this action with a date-specific deadline for opting-in that is **90 days** from the date of the mailing of the notices by email and regular mail.
- Plaintiff's counsel is to send an email message that contains the Court-approved message and a link to a website containing electronic copies of the court-approved Notice and Consent to Join forms that can be paperlessly signed by interested class members and electronically returned to Plaintiff's counsel in the form and with the accompanying language as proposed by Plaintiff in his Motion for Approval and Distribution of Notice and for Disclosure of Contact Information.
- Plaintiff's counsel is to send a follow-up email and postcard that contains the Court-approved message and a link to a website containing electronic copies of the court-approved Notice and Consent to Join forms to any class members who have not responded **30 days** after the mailing of the initial Court-approved notice.

IT IS SO ORDERED.

SIGNED this 2nd day of November, 2021.


ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE